

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:	:	Group Art Unit: 2193
Akm Kamrul Alam	:	Examiner: Tuan A. Vu
Serial No.: 10/609,362	:	IBM Corporation
Filed: 06/27/2003	:	Intellectual Property Law
Confirmation No. 8152	:	Department SHCB/040-3
Title: AUTOMATIC CONFIGURATION OF A	:	1701 North Street
SERVER	:	Endicott, NY 13760

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

I. Real Party in Interest

International Business Machines Corporation is the real party in interest.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status of Claims

Claims 1, 3-5 and 7-17 are Finally Rejected and Appealed.

Claims 2 and 6 have been canceled.

IV. Status of Amendments

Remarks and a minor amendment to the specification correcting a typographical error were filed after Final Rejection on March 1, 2007, but not entered.

V. Summary of Claimed Subject Matter

Support for each claim element is indicated in plain brackets [].

Claim 1 recites a computer program product for installing applications on a server. The program product comprises a computer readable medium. A multiplicity of program objects [Program installation and configuration objects 31-33, 35-38 and 41-43. Figure 1. Page 4 lines 8-10. Page 5 lines 12-28.] install a respective multiplicity of the applications [DCE/DFS CLIENT PROGRAM, DB2 CAE data base management program, operating system and other system software pre-requisites, WWW server application such as Websphere Application Software, network software, bench marking software, security management tools, IBM HTTP Server software, IBM Lightweight Directory Access Protocol software and IBM MQSeries/JAVA Messaging Services software] on the server [Server 15 of Figure 1]. First program instructions determine a plurality of the program objects which currently have prerequisite parameters for their respective applications [Control program 20. Step 292 of Figure 2. Page 6 lines 12-23]. Second program instructions invoke the plurality of program objects [Control program 20. Processes 300, 310, 320 and 330 of Figure 2. Page 6 line 23 to page 7 line 8]. One of the plurality of program objects, after installation of one of the applications, invokes another of the program objects to install another of the applications, supplying a prerequisite parameter for the other program object needed to install the other application [DB2 CAE Install/database Catalog Object 32 invokes WAS Install/Configuration Object 35 passing locally cataloged database information. Page 12 lines 3-10]. The one program object generated the prerequisite parameter based on installation of the one application [Page 12 lines 3-10].

Claim 5 recites a computer system for installing applications on a server. The system includes a processor [CPU 17 of Figure 1]. A multiplicity of program objects [Program installation and configuration objects 31-33, 35-38 and 41-43. Figure 1. Page 4 lines 8-10. Page 5 lines 12-28.], recorded on a computer readable media, install a respective multiplicity of applications [DCE/DFS CLIENT PROGRAM, DB2 CAE data base management program, operating system and other system software pre-requisites, WWW server application such as Websphere Application Software, network software, bench marking software, security management tools, IBM HTTP Server software, IBM Lightweight Directory Access Protocol software and IBM MQSeries/JAVA Messaging Services software] on the server [Server 15 of Figure 1]. There are means for determining a plurality of said program objects which currently have prerequisite parameters for their respective applications [Control program 20. Object 33. Step 292 of Figure 2. Page 6 lines 12-23]. There are means for invoking the plurality of program objects [Control program 20. Processes 300, 310, 320 and 330 of Figure 2. Page 6 line 23 to page 7 line 8]. At least one of the plurality of program objects, after installation of one of the applications, invokes another of the program objects to install another of the applications, supplying a prerequisite parameter for the other program object needed to install the other application [DB2 CAE Install/database Catalog Object 32 invokes WAS Install/Configuration Object 35 passing locally cataloged database information. Page 12 lines 3-10]. The one program object generated the prerequisite parameter based on installation of the one application [Page 12 lines 3-10].

Claim 13 recites a computer system for installing computer programs in a computer. The system includes a processor [CPU 17 of Figure 1]. A program tool, stored in functional form on a computer readable media and executable on the processor, installs and configures one of the computer programs in the computer, and afterward, installs and configure another of the computer programs in the computer [DB2 CAE Install/database Catalog Object 32 installs and configures a DB2 CAE data base management program including a remote database and afterward, invokes WAS Install/Configuration Object 35 to install a WWW server application such as Web Sphere Application Software passing locally cataloged database information. Page 5 lines 14-15. Page 5 lines 22-24. Page 12 lines 3-10]. The program tool, based on installation and/or configuration of the one computer program, generates a prerequisite parameter for

installation and/or configuration of the other computer program [DB2 CAE Install/database Catalog Object 32 invokes WAS Install/Configuration Object 35 passing locally cataloged database information. Page 12 lines 3-10]. There are means for invoking the program tool to install and configure the one computer program in the computer and generate the prerequisite parameter based on installation and/or configuration of the one computer program, and afterward, install and configure the other computer program using the prerequisite parameter [DB2 CAE Install/database Catalog Object 32 invokes WAS Install/Configuration Object 35 passing locally cataloged database information. Page 12 lines 3-10].

Claim 16 recites a computer program product for installing computer programs in a computer. The computer program product comprises a computer readable media. A program tool installs and configures one of the computer programs in the computer, and afterward, installs and configures another of the computer programs in the computer [DB2 CAE Install/database Catalog Object 32 installs and configures a DB2 CAE data base management program including a remote database and afterward, invokes WAS Install/Configuration Object 35 to install a WWW server application such as Web Sphere Application Software passing locally cataloged database information. Page 5 lines 13-14, Object 32. Page 5 lines 22-24. Object 35. Page 12 lines 3-10]. The program tool, based on installation and/or configuration of the one computer program, generates a prerequisite parameter for installation and/or configuration of the other computer program [DB2 CAE Install/database Catalog Object 32 invokes WAS Install/Configuration Object 35 passing locally cataloged database information. Page 12 lines 3-10]. A control program invokes the program tool to install and configure the one computer program in the computer and generate the prerequisite parameter based on installation and/or configuration of the one computer program, and afterward, installs and configures the other computer program using the prerequisite parameter DB2 CAE Install/database Catalog Object 32 invokes WAS Install/Configuration Object 35 passing locally cataloged database information. Page 12 lines 3-10]. The program tool and the control program are stored in functional form on the computer readable media.

The structure, material or acts described in the specification as corresponding to each claimed function are indicated in stylized brackets { }.

5. A computer system for installing applications on a server, said system comprising:

a processor {CPU 17 of Figure 1, and equivalents};

a multiplicity of program objects {Objects 32, 33 and 35 and equivalents}, recorded on a computer readable media, to install a respective multiplicity of applications on said server {DB2 CAE data base management program, operating system and other system software pre-requisites, WWW server application such as Websphere Application Software, and equivalents};

means for determining a plurality of said program objects which currently have prerequisite parameters for their respective applications {Control program 20, Object 33, Step 292 of Figure 2, Page 6 lines 17-23 and equivalents}; and

means for invoking said plurality of program objects {Step 292 of Control program 20 and subsequent invocation step, Page 6 lines 23-27, and equivalents}; and wherein

at least one of said plurality of program objects, after installation of one of said applications, invokes another of said program objects to install another of said applications, supplying a prerequisite parameter for said other program object needed to install said other application {Install/database Object 32 invokes Web Application Install/Configuration Object 35 passing database information, Page 12 lines 3-4 and 8-10, and equivalents}; and wherein said one program object generated said prerequisite parameter based on installation of said one application {Connectivity information, Page 12 lines 3-4, and equivalents}.

13. A computer system for installing computer programs in a computer, said system comprising:

a processor;

a program tool, stored in functional form on a computer readable media and executable on said processor, to install and configure one of said computer programs in said computer, and afterward, install and configure another of said computer programs in said computer {database Object 32 installs and configures a data base management program and afterward, invokes a Web Application Install/Configuration Object 35 to install a Web application. Page 5 lines 14, Page 5 lines 22-24}, said program tool based on installation and/or configuration of said one computer program generating a prerequisite parameter for installation and/or configuration of said other computer program {Connectivity information, Page 12 lines 3-4, and equivalents}; and

means for invoking said program tool to install and configure said one computer program in said computer and generate said prerequisite parameter based on installation and/or configuration of said one computer program, and afterward, install and configure said other computer program using said prerequisite parameter {database Object 32 invokes Web application Install/Configuration Object 35 passing connectivity information, Page 12 lines 3-4 and 8-10, and equivalents}.

16. A computer program product for installing computer programs in a computer, said computer program product comprising:

a computer readable media;

a program tool to install and configure one of said computer programs in said computer, and afterward, install and configure another of said computer programs in said computer {database Object 32 installs and configures a data base management program and afterward, invokes a Web Application Install/Configuration Object 35 to install a Web application. Page 5 lines 14, Page 5 lines 22-24}, said program tool based on installation and/or configuration of said one computer program generating a prerequisite parameter for installation and/or configuration of said other computer program {Connectivity information, Page 12 lines 3-4, and equivalents}; and

a control program to invoke said program tool to install and configure said one computer program in said computer and generate said prerequisite parameter based on installation and/or configuration of said one computer program, and afterward, install and configure said other computer program using said prerequisite parameter {database Object 32 invokes Web application Install/Configuration Object 35 passing connectivity information, Page 12 lines 3-4 and 8-10, and equivalents}; and wherein

said program tool and said control program are stored in functional form on said computer readable media.

VI. Grounds of Rejection to be Reviewed on Appeal

Claims 1, 3-5 and 7-17 were rejected under 35 USC 102 based on Crespo et al. (US 2003/0046682, now US patent 6,854,112.)

VII. Argument

Rejection of Claims 1, 3-5 and 7-17 under 35 USC 102 based on Crespo et al.

Claims 1, 3-5 and 7-17 were rejected under 35 USC 102(e) based on Crespo et al. - US Publication 2003/0046682 now US Patent 6,854,112. Appellant respectfully traverses this rejection based on the following.

Claim 1 recites a computer program product for installing applications on a server. A multiplicity of program objects install a respective multiplicity of the applications on the server. First program instructions determine a plurality of the program objects which currently have prerequisite parameters for their respective applications. Second program instructions invoke the plurality of program objects. One of the plurality of program objects, after installation of one of the applications, invokes another of the program objects to install another of the applications, supplying a prerequisite parameter for the other program object needed to install

the other application. The one program object generated the prerequisite parameter based on installation of the one application.

Crespo et al. disclose a tool for installing a software package at a target computer.

"Packages are created via a SD Pack component (106). ... Once the location has been assigned, a process sets the package to be loaded in the Initial Load of a machine (808). Then, a process is triggered to set the package to status "Available" for this assigned location. Any SD Server that belongs to the same location and is defined by the same function, and that queries the Configuration database (100) will download this specific system package." Crespo et al. Paragraph 0105.

"The process performed within the SD Server 108 includes two components: a SRC file and a SDCONF process. **The SRC file, as previously described, is generated during the workstation generation process, and contains the necessary parameters in a specific format that will fill specific templates (i.e. the machine name, the network adapter, the Domain, the video adapter, the keyboard, the Default router, etc.).** *The SDCONF is a process that reads the SRC file and generates response files necessary for the unattended loading of the target machine.*" Crespo et al. Paragraph 0107. (Emphasis Added)

"The operating system and the application response files needed to complete the installation of the target machine (112) are created. Basically, the SDCONF process includes the execution of a script that is stored on the SD Server (108) and that is remotely-executed by the SD Application (102). This remote procedure reads data from the SRC file, and creates response files and function specific scripts needed for full installation of the target machine (112). The response files and function-specific scripts are built by filling response-files templates residing in the SC Server (108) with the appropriate information. These scripts are used for installing additional packages to be included in the pristine installation process, which are assigned in advance by the SD Application (102) to the function of the respective machine. The parameters in the SRC file have specific meanings for building the script. Most of the parameters come from the definition of the function that the target machine

performs, while others are specific to that machine (e.g. hardware, IP address, etc.). Moreover, some parameters are limited to specific operating systems. This logic is implemented in building the script (SDCONF) that will be responsible for parsing and reading the SRC file." Crespo et al. Paragraphs 0109 and 0110.

Crespo et al. does not disclose that the one program object generated the prerequisite parameter based on installation of the one application, as recited in claim 1: "said one program object generated said prerequisite parameter based on installation of said one application". Rather, Crespo et al. generate the SRC file "during the workstation generation process". **"The SRC file, as previously described, is generated during the workstation generation process, and contains the necessary parameters in a specific format that will fill specific templates (i.e. the machine name, the network adapter, the Domain, the video adapter, the keyboard, the Default router, etc.)."**

In the Advisory Action of March 13, 2007, that Examiner asserted "Crespo's previously generated response files to support creation of more applications are deemed sufficient to cover the language of the claims." Crespo et al. describes "response files" as follows: "The SDCONF is a process that reads the SRC file and generates response files necessary for the unattended loading of the target machine." However, in contrast to claim 1, Crespo et al. does not generate its response files "based on installation of an application". Rather, Crespo et al. generates its response files by a process that reads the SRC file, during execution of the process. Thus, Crespo et al. disclose generation of data during execution of a process, but does not teach generation of a prerequisite parameter **based on installation of one application** where the prerequisite parameter is needed to install another application.

Therefore, the rejection of claim 1 (and its dependent claims 3-4 and 9-10) under 35 USC 102 (e) should be reversed. For the same reason, the rejection of independent claims 5, 13 and 16 (and their respective dependent claims 3-4, 7-8 and 11, 14-15 and 17) under 35 USC 102(e) should be reversed.

35 USC 103(c) states,

"Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Both the present patent application and Crespo et al. are assigned to the same "person", i.e. International Business Machines Corporation. Attached are copies of the recordation of assignments. Therefore, no rejection can be made under 35 USC 103 for independent claims 1, 5, 13 or 16 (or respective dependent claims 2-4 and 9-10, 6-8 and 11-12, 14-15 and 17).

Rejection of Claims 4 and 8 under 35 USC 102 based on Crespo et al.

Claim 4, which depends on claim 1, further recites that a first one of the plurality of program objects installs distributing computing software, a second one of the plurality of program objects installs data base management software and a third one of the plurality of program objects installs prerequisite software for WWW server software. Crespo et al. does not teach separate program objects to install respective software programs. The scripts of Crespo et al. are not program objects, as described in the present patent application and illustrated in Figure 1. The Distribution package of Crespo et al. is the actual software programs to be installed, not program objects to install the software programs. Therefore the rejection of claim 4 under 35 USC 102(e) based on Crespo et al. should be reversed for additional reasons.

Claim 8, which depends on claim 5, adds the limitations of claim 4, and therefore distinguishes over Crespo et al. for the same reasons. Therefore, the rejection of claim 8 under 35 USC 102(e) based on Crespo et al. should be reversed for additional reasons.

Because both the present patent application and Crespo et al. are assigned to the same person, i.e. International Business Machines Corporation, no rejection can be made under 35 USC 103 for dependent claims 4 or 8.

Rejection of Claims 9, 11, 14 and 17 under 35 USC 102 based on Crespo et al.

Claim 9, which depends on claim 1, further recites that one of the program objects, during installation of one of the applications, configures a remote database by setting up a TCP/IP port on the server. This port will be used by the server to access the remote database using TCP/IP communications. The one program object tests connectivity to the remote database via the port by sending a signal to the remote database via the port and determining if a response is received. Crespo et al. does not teach that the program object which installs the application and configures an associated remote database also tests connectivity to the remote database. In Paragraph 0102 Crespo et al. teach that a process creates a subnet. However, creation of a subnet is different than configuring a remote database by setting up a TCP/IP port. A subnet is a network to which devices are connected. Crespo et al also teach checking whether a subnet exists in step 506, but does not teach how Crespo et al. perform this checking; Crespo et al. does not teach testing connectivity to a remote database as recited in claim 9. The "IP address" referenced in Paragraph 0110 of Crespo et al. identifies the target machine to receive installation of the software package. It does not identify a TCP/IP port to access a remote database. Crespo et al. does not teach that the program object which installs the application and configures an associated remote database also tests connectivity to the remote database. Because these elements of claim 9 are not found in Crespo et al., the rejection of claim 9 under 35 USC 102(e) based on Crespo et al. should be reversed for additional reasons.

Claim 11, which depends on claim 5, adds the limitations of claim 9, and therefore the rejection of claim 11 under 35 USC 102(e) based on Crespo et al. should be reversed for additional reasons.

Claim 14, which depends on claim 13, adds the limitations of claim 9, and therefore the rejection of claim 14 under 35 USC 102(e) based on Crespo et al. should be reversed for additional reasons.

Claim 17, which depends on claim 16, adds the limitations of claim 9, and therefore the rejection of claim 17 under 35 USC 102(e) based on Crespo et al. should be reversed for additional reasons.

Because both the present patent application and Crespo et al. are assigned to the same person, i.e. International Business Machines Corporation, no rejection can be made under 35 USC 103 for dependent claims 9, 11, 14 or 17.

Based on the foregoing, Appellant requests that the Rejection of claims 1, 3-5 and 7-17 be reversed.

Respectfully submitted,

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VIII. CLAIMS INVOLVED IN APPEAL.

1. A computer program product for installing applications on a server, said program product comprising:

a computer readable medium;

a multiplicity of program objects to install a respective multiplicity of the applications on said server;

first program instructions to determine a plurality of said program objects which currently have prerequisite parameters for their respective applications;

second program instructions to invoke said plurality of program objects; and wherein

one of said plurality of program objects, after installation of one of said applications, invokes another of said program objects to install another of said applications, supplying a prerequisite parameter for said other program object needed to install said other application; and wherein

said one program object generated said prerequisite parameter based on installation of said one application; and

said program objects and said first and second program instructions are recorded in functional form on said medium.

3. A computer program product as set forth in claim 1 further comprising third program instructions to prompt a user to furnish parameters for said plurality of program objects; and wherein said third program instructions are recorded on said medium.

4. A computer program product as set forth in claim 1 wherein a first one of said plurality of program objects installs distributing computing software, a second one of said plurality of program objects installs data base management software and a third one of said plurality of program objects installs prerequisite software for WWW server software.

5. A computer system for installing applications on a server, said system comprising:

a processor;

a multiplicity of program objects, recorded on a computer readable media, to install a respective multiplicity of applications on said server; and

means for determining a plurality of said program objects which currently have prerequisite parameters for their respective applications; and

means for invoking said plurality of program objects; and wherein

at least one of said plurality of program objects, after installation of one of said applications, invokes another of said program objects to install another of said applications, supplying a prerequisite parameter for said other program object needed to install said other application; and wherein said one program object generated said prerequisite parameter based on installation of said one application.

7. A system as set forth in claim 5 further comprising means for prompting a user to furnish parameters for said plurality of program objects.

8. A system as set forth in claim 5 wherein a first one of said plurality of program objects installs distributing computing software, a second one of said plurality of program objects installs data base management software and a third one of said plurality of program objects installs prerequisite software for WWW server software.

9. A computer program product as set forth in claim 1 wherein one of said program objects, during installation of one of said applications, configures a remote database by setting up a TCP/IP port on said server, said port to be used by said server to access said remote database using TCP/IP communications, said one program object testing connectivity to said remote database via said port by sending a signal to said remote database via said port and determining if a response is received.

10. A computer program product as set forth in claim 9 wherein said one program object passes locally cataloged database information, corresponding to said remote database, to another of said program objects for use in installing another of said applications.

11. A computer system as set forth in claim 5 wherein one of said program objects configures a remote database by setting up a TCP/IP port on said server, said port to be used by said server to access said remote database using TCP/IP communications, said one program object testing connectivity to said remote database via said port by sending a signal to said remote database via said port and determining if a response is received.

12. A computer program product as set forth in claim 11 wherein said one program object passes locally cataloged database information, corresponding to said remote database, to another of said program objects for use in installing another of said applications.

13. A computer system for installing computer programs in a computer, said system comprising:

a processor;

a program tool, stored in functional form on a computer readable media and executable on said processor, to install and configure one of said computer programs in said computer, and afterward, install and configure another of said computer programs in said computer, said program tool based on installation and/or configuration of said one computer program generating

a prerequisite parameter for installation and/or configuration of said other computer program;
and

means for invoking said program tool to install and configure said one computer program in said computer and generate said prerequisite parameter based on installation and/or configuration of said one computer program, and afterward, install and configure said other computer program using said prerequisite parameter.

14. A computer system as set forth in claim 13 wherein, during installation and configuration of one of said computer programs, said program tool configures a remote database by setting up a TCP/IP port on said computer, said port to be used by said computer to access said remote database using TCP/IP communications, said program tool testing connectivity to said remote database via said port by sending a signal to said remote database via said port and determining if a response is received, and in response to a successful test, said program tool installing and configuring another of said computer programs.

15. A computer system as set forth in claim 13 wherein said computer system comprises said computer; and said media is part of said computer.

16. A computer program product for installing computer programs in a computer, said computer program product comprising:

a computer readable media;

a program tool to install and configure one of said computer programs in said computer, and afterward, install and configure another of said computer programs in said computer, said program tool based on installation and/or configuration of said one computer program generating a prerequisite parameter for installation and/or configuration of said other computer program; and

a control program to invoke said program tool to install and configure said one computer program in said computer and generate said prerequisite parameter based on installation and/or configuration of said one computer program, and afterward, install and configure said other computer program using said prerequisite parameter; and wherein

said program tool and said control program are stored in functional form on said computer readable media.

17. A computer program product as set forth in claim 16 wherein, during installation and configuration of one of said computer programs, said program tool configures a remote database by setting up a TCP/IP port on said computer, said port to be used by said computer to access said remote database using TCP/IP communications, said program tool testing connectivity to said remote database via said port by sending a signal to said remote database via said port and determining if a response is received, and in response to a successful test, said program tool installing and configuring another of said computer programs.

IX. Evidence Appendix

Copies of the recordations of assignments for the present patent application and Crespo et al.

UNITED STATES
PATENT AND
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NOTICE
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JANUARY 29, 2002

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IBM CORPORATION
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RECORDATION DATE: 10/16/2001

REEL/FRAME: 012274/0856
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

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DOC DATE: 08/27/2001

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DOC DATE: 08/27/2001

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FILING DATE: 08/29/2001

PATENT NUMBER:

ISSUE DATE:

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JANUARY 12, 2004

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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DOC DATE: 06/27/2003

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SERIAL NUMBER: 10609362

FILING DATE: 06/27/2003

PATENT NUMBER:

ISSUE DATE:

IX Evidence Appendix

014246/0818 PAGE 2

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X. Related Proceedings Appendix

There are no related Appeals or other proceedings, and therefore no copies of decisions to include.